

PATENT

HP Docket No.: 10005619-1

App. Serial No. 09/809,150

IN THE CLAIMS

1. (Currently Amended) A method for providing mediated services to a client device having a predetermined communication protocol and a predetermined display format comprising:

- (a) receiving a request for a web page from the client device;
- (b) sending the request to a merchant web site;
- (c) receiving the requested information from the merchant web site at a mediator;
- (d) transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator; and
- (e) sending the transformed information via a network to the client device from the

mediator; and

(f) providing mediated shipping services; wherein the step of providing mediated shipping services includes

the client sending delivery information to a the mediator;

the mediator directly providing the delivery information to a shipping company and arranging for the shipping company to pick-up the merchandise from the merchant;

wherein the client delivery information is not provided to the merchant.

2. (Original) The method of claim 1 further comprising:

- (f) providing at least one mediated electronic commerce service for a merchant.

3. (Original) The method of claim 2 wherein the step of providing at least one electronic commerce service for the merchant includes one of shopping cart services, billing services, shipping services, and payment services.

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4. (Original) The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:

transforming the information into one of an HTTP communication protocol and WAP communication protocol.

5. (Original) The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:

transforming the information into one of a HTML display format and VML display format.

6. (Original) The method of claim 1 wherein the step of receiving the requested information from the merchant web site includes:

receiving information in one of a proprietary format, a mark-up language format, an XML format, and other format designed for exchanging information.

7. (Original) The method of claim 1 further comprising:

(f) providing mediated shopping services; wherein the step of providing mediated shopping services includes

the client device sending a request to add or delete items from a shopping cart; and

receiving the add or delete requests, and responsive thereto for updating a shopping cart record.

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8. (Original) The method of claim 1 further comprising:

(f) providing mediated payment services; wherein the step of providing mediated payment services includes

the client sending a purchase request to purchase one or more items in a shopping cart;

receiving the purchase request; and

responsive to the purchase request for updating a shopping cart record to reflect the purchase.

9. (Original) The method of claim 8 wherein the step of providing mediated payment services further includes

a client providing payment information to a mediator;

the mediator debiting a client's account; and

the mediator handling payment to a merchant;

wherein the account information of the client is not provided to the merchant.

Claims 10-20 (Canceled).

21. (Previously Presented) The method of claim 1, wherein the step of receiving a request for a web page comprises receiving a request for a web page from the client device, wherein the request includes a request for product information from the merchant web site.

22. (Previously Presented) The method of claim 1, wherein a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being

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operable to transmit or broadcast the virtual identifier to a client device in a predetermined range.

23. (Previously Presented) The method of claim 1, wherein a virtual identifier of the merchant web site is determined by scanning readable code.

Claims 24-27 (Canceled).

28. (Previously Presented) The method of claim 1, wherein transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator further comprises transforming the information into a plurality of different predetermined communication protocols and a plurality of different predetermined display formats for a plurality of clients based on a display format and a communication protocol used by each of a plurality of client devices.

29. (Previously Presented) The method of claim 28, wherein sending the transformed information via a network to the client device from the mediator further comprises sending the transformed information to the plurality of clients using the plurality of different predetermined communication protocols and the plurality of different predetermined display formats.

30. (Previously Presented) The method of claim 1, wherein receiving the requested information from the merchant web site at a mediator further comprises receiving the requested information in a generic display format from the merchant web site.

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PENDING CLAIMS

Claims 1-9, 21-23, and 28-30 are pending of which claim 1 is independent.

Claims 1-9, 21-23, and 28-30 were rejected under 35 USC 112, 1st paragraph as failing to comply with the written description requirement.

Claims 1-9, 21-23, and 28-30 were rejected under 35 USC 112, 2nd paragraph.

Claims 1-9, 21-23 and 28-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Purcell (5,940,807) in view of Guidice et al. (6,463,420).

Claims 1-9, 21-23 and 28-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stolfo et al. (US 2001/0044785 A1) in view of White, "How Computers Work".

These rejections are respectfully traversed for the reasons stated below.

REJECTION UNDER 35 USC § 112 1st PARAGRAPH

Claims 1-9, 21-23, and 28-30 were rejected under 35 USC 112, 1st paragraph as failing to comply with the written description requirement. The rejection states,

The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one of ordinary skill in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, Applicants have not described a method including "transforming the information into predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator.... [Emphasis Added]." If Applicants can show where this feature is found in the originally filed specification, this particular 112 1st paragraph will be withdrawn.

The feature of "transforming the information into predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator" is described in the specification on page 15, line 14-page 16, line 3 and on page 16, line 20-page 17, line 4. For example, the specification recites the following on pages 15-16:

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The mediator 130 includes a content adaptation mechanism 310 for receiving information in a generic form (e.g., ASCII text) and converting the information into a format suitable for the client 120 (e.g., into a format 20 that can be used and displayed by the client 120) and packaging the information for communication into a communication protocol that is compatible to the client 120. For example, the mediator 130 receives product information (e.g., price and product specifications) 25 and converts the product information into N different types of formats (e.g., seller -information_F1, seller information_F2, seller-information_F3, .., seller information_FN) that are suitable for the respective N devices.

Pages 16-17 recite the following:

The client 410 includes a communication unit 430 for communicating information through an HTTP protocol. In addition, the client 410 displays content and 25 information in an HTML format. The mediator 420 includes a communication unit 440 for communicating information with the client 410 by employing the HTTP protocol. The mediator 420 can be implemented as an HTTP proxy for providing the content adaptation function and the other mediated shopping services.

FIG. 5 illustrates a mediator that is implemented with a WAP gateway in accordance with another embodiment of the present invention. In this embodiment, the system 500 includes a client 510 and a mediator 520. The client 510 includes a communication unit 530 for communicating information through a wireless application protocol (WAP) protocol. In addition, the client 510 displays content and information in a VML format. The mediator 520 includes a communication unit 540 for communicating information with the client 510 by employing the WAP protocol. The mediator 520 can be implemented as a WAP gateway for providing the content adaptation function and the other mediated shopping services.

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Based on at least this disclosure in the specification, the Applicants respectfully request that the 112 1st paragraph rejection be withdrawn.

REJECTION UNDER 35 USC §112 2nd PARAGRAPH

Claims 1-9, 21-23, and 28-30 were rejected under 35 USC 112, 2nd paragraph. In particular, claim 1 was rejected because "a mediator" was recited twice. Claim 1 has been amended to recite "a mediator" once. Accordingly, this rejection has been overcome and must be withdrawn.

REJECTIONS UNDER 35 USC §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

1. Claims 1-9, 21-23 and 28-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Purcell (5,940,807) in view of Guidice et al. (6,463,420).

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Purcell discloses an inventory information exchange system between buyers and sellers. A host operated information management system is provided for storing a list of products that are available for buyers to purchase from sellers. Host approved sellers of products and services are granted limited electronic access to the information management system so that each approved seller then has a self-initiated capability to exclusively access that seller's inventory information that is maintained on the information management system for adding, amending and deleting portions of the seller's inventory information. The seller's inventory information is analyzed and assimilated into a buyers listing of products and services available through the information management system to potential buyers. Host approved buyers of products and services are granted limited electronic access to the information management system so that each approved buyer has self-initiating capability to access the buyers listing for reviewing products and services of interest to that buyer. *See* Abstract of Purcell. Purcell also discloses an embodiment where the information management system is interfaced to sellers and buyers as a site accessible through the Internet. *See* column 4, lines 40-50.

The rejection of claims 1-9, 21-23 and 28-30 alleges the following:

Purcell '847 discloses a web based e-commerce site including transforming the information into a predetermined communications protocol (HTTP); transforming the information into a predetermined display format (HTML, XJVL, or ASCII); and that client information is not shared with the seller.

Purcell discloses the host may be a web site available to receive log-ins from a plurality of users. *See* column 8, lines 15-19. Purcell, however, fails to teach receiving a request for a web page from a client device and sending the request to a merchant web site.

In particular, a merchant web site is not taught by Purcell. Also, receiving a request for a web page and sending the request to a merchant web site is not taught by Purcell.

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Instead, a buyer may access the information management system to analyze a listing of products that may be purchased by the buyer. The information management system does not forward a request for a web page received from the buyer to a merchant web site, such that a buyer may view what products listed at the merchant web site without accessing the merchant web site. Thus, the features of claim 1 are not taught by Purcell.

The rejection alleges that Purcell discloses that client information is not shared with the seller. On the contrary, Purcell discloses that client information is shared with the seller. With respect to buy/sell transactions, Purcell discloses the host may remain an intermediary who conveys messages. See column 10, lines 10-22. Thus, buyer information is conveyed to the seller to conduct transactions. Furthermore, claim 1 recites providing mediated shipping services where the client delivery information is not provided to the merchant. Purcell is silent with respect to how delivery is performed. However, Purcell discloses that the host may remain an intermediary who conveys messages. Thus, Purcell discloses conveying buyer information to the seller. In Purcell, the seller could only make delivery to the buyer if the buyer provided delivery information to the seller or if the host forwarded the delivery information to the seller. Thus, Purcell fails to teach or suggest providing mediated shipping services where the client delivery information is NOT provided to the merchant. In fact, Purcell teaches away from not providing information to the merchant, because it discloses that either the buyer and seller deal directly with each other or the host forwards the buyer information to the seller. See column 10, lines 10-22.

The rejection states:

Purcell '847 does not directly disclose how the items are shipped. Guidice however directly discloses a web-based method of selecting a shipper. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Purcell '847 to include a web-based method of selecting a shipper. Such a modification would have

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helped reduce shipping costs by allowing the customers to choose the shipper that is the most appropriate for them.

Firstly, Guidice does not teach a web-based method of selecting a shipper or allowing the customers to choose the shipper that is the most appropriate for them. Instead, Guidance discloses a system and method for tracking orders shipped by a variety of suppliers. *See Abstract.* Guidice does not teach selecting a shipper or allowing a customer to select a shipper. Accordingly, the motivation (*i.e.*, reducing shipping costs by allowing customers to choose the shipper that is the most appropriate for them) is lacking. Thus, the burden of establishing a *prima facie* case of obviousness has not been met, and it is respectfully requested that the rejection be withdrawn.

Secondly, Guidice fails to teach mediated shipping services where the client delivery information is NOT provided to the merchant. Guidice discloses a supplier receives a shipping address from a user. *See column 3, line 65.* The supplier in Guidice is a merchant. The supplier is selling goods. For example, the supplier provides shopping cart services that provides listings of prices and goods to customers and sells the goods by accepting and processing orders for goods. *See the flowchart of the method shown in figure 2 and the description in column 4.*

Also, it appears the rejection is interpreting the supplier of Guidice to be the claimed mediator despite the disclosure in Guidice that the supplier is selling goods. In view of this disclosure in Guidice that the supplier is selling goods, Guidice also fails to teach or suggest the claimed merchant web site or receiving a request for a web page, forwarding the request to the merchant web site, receiving the requested information from the merchant web site at the mediator.

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Thus, neither Guidice nor Purcell singly or in combination teach or suggest all the features of claims 1-9, 21-23 and 28-30. Hence, it is respectfully requested that the rejection be withdrawn and the claims allowed.

Furthermore, neither Guidice nor Purcell singly or in combination teach or suggest many of the features of the dependent claims. For example, neither Guidice nor Purcell teach or suggest the mediated shopping services and payment services recited in claims 7-9.

Neither Guidice nor Purcell singly or in combination teach or suggest receiving a request for a web page from a merchant web site, wherein the request includes product information from the merchant web site, as recited in claim 21.

Neither Guidice nor Purcell singly or in combination teach or suggest a virtual identifier determined by passively interrogating a source or by scanning readable code as recited in claims 22 and 23.

Neither Guidice nor Purcell singly or in combination teach or suggest the plurality of predetermined protocols and display formats recited in claims 28-29 or the generic display format recited in claim 30.

If the rejection is maintained, the Examiner must provide a detailed explanation of the disclosures in Guidice and Purcell singly or in combination that teach or suggest these features. The rejection fails to specifically address any of the steps recited in the dependent claims. It is unclear how the Examiner is interpreting Guidice or Purcell to teach the features of the dependent claims.

Section 706 of the MPEP states that the goal of examination is to clearly articulate any rejection early in the prosecution process so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. This rejection does not clearly articulate how each and every feature of the claims are taught

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by Guidice and Purcell singly or in combination. Furthermore, if the rejection is maintained, the rejection cannot be made final because the Applicants have not had a fair opportunity to respond to a rejection that articulates how Guidice or Purcell teach each and every feature of the dependent claims.

2. Claims 1-9, 21-23 and 28-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stolfo et al. (US 2001/0044785 A1) in view of White, "How Computers Work".

According to the rejection, "Stolfo discloses the claimed invention but does not directly disclose the predetermined protocols and predetermined display format."

Stolfo fails to teach or suggest receiving a request for a web page from the client device; sending the request to a merchant web site; receiving the requested information from the merchant web site at a mediator; and sending the information via a network to the client device from the mediator. Instead, Stolfo discloses the customer browses the merchant web site directly without a mediator. See paragraph 28.

Stolfo also discloses a server 108 that receives a user's mailing address and encrypts the mailing address. The encrypted mailing address is transmitted to the merchant. The server 108, however, does not receive a request for a web page, send the request to a merchant web site; receive the requested information from the merchant web site at a mediator; and send the information to the client.

Stolfo discloses a method shown in figure 2 and described in paragraph 34. At step 210 the encrypted shipping information is provided to the merchant and at step 212 the encrypted shipping information is provided to a shipper.

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Stolfo, however, fails to teach or suggest mediated shipping services wherein the client delivery information is not provided to the merchant. Stolfo clearly discloses encrypted shipping information is provided to the merchant. This is not the same as NOT providing client delivery information to the merchant. For purposes of anonymity, providing encrypted shipping information is not as safe as not providing the information at all because the merchant may obtain the decryption information from the supplier or otherwise decrypt the client delivery information. Also, Stolfo appears to have the merchant send the encrypted shipping information to the shipper, so the shipping of Stolfo is not mediated.

Claim 1 also recites, "the mediator directly providing the delivery information to a shipping company and arranging for the shipping company to pick-up the merchandise from the merchant." Stolfo fails to teach or suggest the server 108 directly providing the delivery information to a shipping company. Stolfo also fails to teach or suggest the server 108 arranging for the shipping company to pick-up the merchandise from the merchant.

White was cited to teach predetermined Internet protocols (TCP/IP) and predetermined video formats (HTML, XML, vs. ASCII). White fails to remedy the deficient teachings of Stolfo. Accordingly, neither White nor Stolfo singly or in combination teach or suggest all the features of claims 1-9, 21-23 and 28-30. Hence, the rejection must be withdrawn and the claims allowed.

Furthermore, neither White nor Stolfo singly or in combination teach or suggest many of the features of the dependent claims. For example, neither White nor Stolfo singly or in combination teach or suggest the WAP protocol or the VML display format recited in claims 4 and 5.

Neither White nor Stolfo singly or in combination teach or suggest the mediated shopping services and payment services recited in claims 7-9.

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Neither White nor Stolfo singly or in combination teach or suggest receiving a request for a web page from a merchant web site, wherein the request includes product information from the merchant web site, as recited in claim 21.

Neither White nor Stolfo singly or in combination teach or suggest a virtual identifier determined by passively interrogating a source or by scanning readable code as recited in claims 22 and 23.

Neither White nor Stolfo singly or in combination teach or suggest the plurality of predetermined protocols and display formats recited in claims 28-29 or the generic display format recited in claim 30.

If the rejection is maintained, the Examiner must provide a detailed explanation of the disclosures in White or Stolfo that teach or suggest these features. The rejection fails to specifically address any of the steps recited in the dependent claims. It is unclear how the Examiner is interpreting White or Stolfo to teach the features of the dependent claims. If this rejection is maintained, it is respectfully requested that the Examiner articulate how each and every feature of the claims are taught by White and Stolfo. Furthermore, if the rejection is maintained, the rejection cannot be made final because the Applicants have not had a fair opportunity to respond to a rejection that articulates how White how Stolfo teach each and every feature of the dependent claims.

CONCLUSION

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, the Applicants respectfully request issuance of a Notice of Allowability. If the undersigned attorney can assist in any matters regarding


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examination of this application, the Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: December 22, 2005

By

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